

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

DEVONE, JOHNNY
Plaintiff

Civil Action No. _____

V.

FINLEY, BRITTANY
Defendant

MARCH 18, 2103

COMPLAINT

I. JURISDICTION

Jurisdiction of this Court is invoked pursuant to the court's diversity jurisdiction, 28 U. S. C. § 1332, inasmuch as the Plaintiff and Defendant are citizens of different states and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

II. STATEMENT OF FACTS

1. Plaintiff in this matter is Johnny Devone, a resident of the City of Bridgeport, and citizen of the State of Connecticut.
2. Plaintiff has been a member of the Bridgeport Police Department for twenty-nine (29) years and currently serves as a Detective.
3. Brittany Finley is a citizen of the State of Georgia and is the mother of Plaintiff's three year old grandson. Finley has never been married to Plaintiff's son.
4. On or about June 2011 Finley, Plaintiff's son and the child came to Plaintiff's home in Bridgeport, Connecticut.

5. Plaintiff offered Finley the courtesy of staying at the home with her child and Plaintiff's son if she chose.

6. Finley chose to leave after approximately two to three weeks. She returned to Georgia leaving her child with Plaintiff, his son, and Plaintiff's wife. Upon information and belief, Finley left because of criminal charges for larceny that she had pending against her in Georgia. Finley gave no indication regarding whether or not she intended to return for her child.

7. From June 2011 until on or about March 11, 2013 Finley's minor son was in the care and custody of Plaintiff, his son and Plaintiff's wife.

8. Plaintiff single-handedly provided all financial care, and support for his grandson until on or about December 2012 when the boy's father was able to obtain employment.

9. During the entire time from June 2011 until March 11, 2013 Finley provided absolutely no financial support for her child, provided no clothing, gifts, food or any other care for the child that she had left behind.

10. During the entire time from June 2011 until March 11, 2013 the child visited with and was in the care and control of Finley during two occasions; (a) when he went with his father to Georgia from on or about November 28, 2011 until January 26, 2012; and (b) from late June 2012 until mid-September 2012 when he visited with his mother for the summer.

11. On January 23, 2013 Plaintiff's son filed a complaint for sole custody of his son who had been living with him since June 2011.

12. An initial hearing on the child custody matter was set for February 11. Defendant was served at her home in Georgia with notice of the hearing in sufficient time for her to attend.

13. As a consequence of the blizzard on February 11, the custody hearing did not go forward.

14. On or about February 25 Finley caused a notice of a hearing to be served on Plaintiff's son regarding a hearing in Cobb County Georgia the next day on February 26, 2013 regarding the custody of her son.

15. In a proceeding on February 26, 2013 Finley falsely testified under oath before a judge of the Cobb County Georgia Superior Court that her son had resided exclusively in Georgia until January 26, 2012.

16. On February 28, 2013 Finley falsely testified under oath before a judge of the Connecticut Superior Court that her son had never been in Connecticut for any reason prior to November 2011.

17. Plaintiff testified truthfully on February 28, 2013 that the child had resided in his home in Bridgeport Connecticut since June 2011.

18. Plaintiff's son, father of the child, testified truthfully on February 28, 2013 that the child had resided at his father's home along with him since June 2011.

19. Plaintiff and his son presented documentary evidence at the hearing on February 28 that established inter alia, emergency room treatment for the child at Saint Vincent's Hospital in Bridgeport on October 29, 2011; well baby care for the child at Saint Vincent's Hospital on November 8, 2011; podiatrist treatment for club feet of the child on November 8 and 16, 2011; Connecticut HUSKY insurance coverage for the child since September 2011; purchases of necessary items for a baby during the months of July, August, September and October 2011.

20. On or about March 11, 2013 Finley caused a false report to be made to the Connecticut State's Attorney resulting in the issuance of a search warrant for the Plaintiff's home.

21. On or about March 11, 2013 Finley falsely claimed to staff of the Connecticut Post that her son, John Devone, Jr., was "missing."

22. On or about March 11, 2013 Finley claimed that the minor child was being held at the home of his grandfather, Johnny Devone, against her will.

23. On or about March 11, 2013 Finley falsely claimed that the boy's father, Plaintiff's son, had tricked her into letting him take the boy from her Georgia home in August 2012.

24. On or about March 11, 2013 Finley falsely claimed that Bridgeport police blocked her and City Sheriff David Goodman from retrieving the boy.

25. On or about March 11, 2013 Finley falsely claimed that the Bridgeport police were "protecting one of their own" by not assisting her to retrieve her son.

COUNT I: DEFAMATION

Paragraphs 1 through 25 are hereby incorporated by reference as if fully set forth herein and are made paragraphs 1 through 25 of Count I.

26. Defendant caused the publication of a writing to a third party;

27. The writing identified the Plaintiff, such that it would be reasonably understood that it was about the Plaintiff;

28. The writing was defamatory to the Plaintiff; and

29. The publication caused harm to the Plaintiff.

30. The conduct of Finley alleged in paragraphs 20 – 25 would be libel per se because it charges Plaintiff with a crime.

31. The conduct of Finley alleged in paragraphs 20 – 25 would be libel per se because it charges one with improper conduct or lack of skill in his profession and is likely to injure him in his profession or calling.

32. The conduct of Finley alleged in paragraphs 20 – 25 would be libel per se because the statement falsely charges someone with incompetence or dishonesty in office.

33. The conduct of Finley alleged in paragraphs 20 – 25 would be libel per se because the statements falsely charges a professional person with general incompetence.

34. The amount of damages to Plaintiff exceeds \$75,000.

COUNT II: FALSE REPRESENTATION

Paragraphs 1 through 25 are hereby incorporated by reference as if fully set forth herein and are made paragraphs 1 through 25 of Count II.

26. By the conduct alleged in paragraphs 20 - 25 Defendant made a false representation as a statement of fact.

27. The statements were untrue and known to be untrue by the Defendant or that the defendant made the statement with reckless disregard for the truth of the matter.

28. The Defendant made the statements to induce judicial and law enforcement officials to act on those statements and to secure the retrieval of her son when she knew or should have known that Plaintiff had not engaged in the conduct that she accused him of.

29. Plaintiff was injured as a consequence of the actions taken based on the false representations of Defendant.

30. The amount of damages to Plaintiff exceeds \$75,000.

COUNT III: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Paragraphs 1 through 252 are hereby incorporated by reference as if fully set forth herein and are made paragraphs 1 through 25 of Count III.

26. The conduct of Defendant alleged in paragraphs 15 - 25 were extreme and outrageous.

27. The conduct of Defendant alleged in paragraphs 15 – 25 was intended to cause, and did cause severe emotional distress to Plaintiff.

28. The amount of damages to Plaintiff exceeds \$75,000.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff claims judgment against the Defendant as follows:

- (a) Compensatory damages;
- (b) Punitive damages;
- (c) Such other damages and relief as deemed equitable by the court.

THE PLAINTIFF

By: /s/ Josephine S. Miller

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